IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 805 OF 2005

Mrs. Pushpa Manohar Pillay ... Petitioner

V/s

Mrs. Latika Ramesh Mahajan & Ors. ... Respondents

Ms. A.R.S. Baxi, adv. For petitioner

Mr. V.V. Palnitkar for Smt.Manjula Rao & Ms. Kokila Karla for respondent No.1

Mr. D.P. Adsule, APP for the State

Coram : V.M. Kanade, J.

Dated : 30/03/2005

P.C. :-

1 I have and heard learned counseal for the petitioners, respondent No.1 and APP for the State.

2 The petitioner is challenged the order of issuance of process passed by J.M.F.C. At Belapur in R.C.C. 836/2002. It is submitted on behalf of the petitioner has notarised the disputed documents and he was not concerned in any way with the transaction. It is further submitted that the second complaint filed by the complainant itself is not maintainable since the first complaint was allowed to be withdrawn.

3 The complaint was filed under sections 467, 468,471,420, read with 102-B and 34 of the Indian Penal Code. It would not be appropriate to interfere with the

order of issuance of process at this stage particularly when the petitioner has alternate remedy of applying for the discharge before the Magistrate under section 245 of the Code. Keeping this remedy open, the present writ petition is dismissed. It is clarified that all questions raised in this petition are kept open and the same shall be considered by the learned Magistrat if the application for the discharge is filed by the present petitioner.

4 It is further directed that the learned Magistrate may consider the application for the discharge filed by the petitioner as expeditiously as possible, in any case within a period of 6 months. If the application is made for exemption by the petitioner in the trial court, the same may be considered sympathetically. unless the presence of the petitioner is required.

(V.M. Kanade, J.)